

II. REJECTION OF CLAIMS 1-3 AND 5-7 UNDER 35 U.S.C. § 103(A)

Claims 1-3 and 5-7 stand rejected as being unpatentable under 35 U.S.C. § 103(a) over Smith et al. (U.S. Patent No. 6,491,314) in view of Kittle et al. (U.S. Patent No. 5,005,913). Applicants respectfully submit that the rejection of claims 1-3 and 5-7 under 35 U.S.C. § 103(a) is improper because there is no suggestion or motivation to combine the teachings of Smith et al. and Kittle et al. and because the combination of Smith et al. and Kittle et al. fails to disclose or suggest all of the limitations in at least some of the claims.

“Patent examiners carry the responsibility of making sure that the standard of patentability enunciated by the Supreme Court and by the Congress is applied in each and every case.” MPEP § 2141 (emphasis in original).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

MPEP § 2143. Applicants submit that there is no suggestion or motivation to combine the teachings of Smith et al. and Kittle et al. and that the combination of Smith and Kittle et al. fails to disclose or suggest all of the limitations in at least some of the claims.

Smith et al. discloses a suspension in Figures 42-48 that includes a trailing arm 518 coupled to the vehicle frame and an axle 524. The Examiner identifies collar 542 formed at one end of the trailing arm as a “first sleeve” and element 588 as a “second sleeve.” Element 588 is described as an “elastomer sheet...made of urethane or rubber sheet material....” Col. 21, lines 1-6. The elastomer sheet 588 allows the axle 524 to “articulate somewhat within the beam collar....” Col. 21, lines 10-11 and 18-19. Smith

et al. notes that the purpose of the articulation is to “give flexibility to the beams to accommodate stresses due to roll of the axle.” Col. 22, lines 1-3.

The Examiner notes that the elastomer sheet 588 in Smith et al. is not tapered as required by the claims, but asserts that it would be obvious to modify the elastomer sheet 588 to a tapered form as allegedly disclosed in Kittle et al. to “better secure the axle to the control arm.” As noted above, however, the purpose of the element 588 is to allow articulation of the axle beam relative to the control arm. Accordingly, modifying the suspension of Smith et al. to “better secure the axle to the control arm” would defeat the stated purpose of element 588. Applicants therefore submit that there is no suggestion or motivation for combining the teachings of Smith et al. and Kittle et al.

Because there is no suggestion or motivation to combine the teachings of Smith et al. and Kittle et al. Applicants submit that the rejection of claims 1-3 and 5-7 under 35 U.S.C. § 103(a) is improper. Accordingly, Applicants request that the rejection of claims 1-3 and 5-7 under 35 U.S.C. § 103(a) be withdrawn.

Applicants further submit that the combination of Smith et al. and Kittle et al. fails to disclose or suggest limitations recited in at least some of the claims. For example, claim 3 recites that “said radially inner surface of said first sleeve tapers radially inwardly away from each axial end of said first sleeve towards an axial midpoint of said first sleeve.”. The “sleeves” 542 and 588 in Smith et al. do not taper. The Examiner identifies elements 10 and 14a in Kittle et al. as tapered sleeves. Neither of these sleeves, however, “tapers radially inwardly away from each axial end...towards an axial midpoint...” as recited in claim 3. Claim 6 recites that “said second sleeve includes a pair of circumferentially spaced portions, each of said portions having an angular span of

about one hundred and eighty degrees.” The “second sleeve” 588 identified by the Examiner in Smith et al. is in one piece and spans almost 360 degrees. Figure 48. The sleeves in Kittle et al. are also each one piece and span an entire 360 degrees. Because the combination of Smith et al. and Kittle et al. fails to disclose all of the limitations set forth in at least claims 3-and 6, Applicants submit that the rejection of claims 3 and 6 under 35 U.S.C. § 103(a) is improper and request that the rejection be withdrawn.

III. REJECTION OF CLAIMS 1-5, 7-14 AND 18-20 UNDER 35 U.S.C. § 103(A)
Claims 1-5, 7-14 and 18-20 stand rejected as being unpatentable under 35 U.S.C.

§ 103(a) over Smith et al. (U.S. Patent No. 6,491,314) in view of Pitzer (U.S. Patent No. 3,009,747). Applicants respectfully submit that the rejection of claims 1-5, 7-14 and 18-20 under 35 U.S.C. § 103(a) is improper because there is no suggestion or motivation to combine the teachings of Smith et al. and Pitzer. and because the combination of Smith et al. and Pitzer fails to disclose or suggest all of the limitations in at least some of the claims.

As set forth hereinabove in Section II, Smith et al. disclose a suspension including a trailing arm 518 coupled to an axle 524 through an elastomer sheet 588 that allows articulation of the axle 524 relative to arm 518. The Examiner identifies elements 542 and 588 as first and second sleeve within the meaning of the claims, but acknowledges that the sleeves do not taper. The Examiner asserts that it would be obvious to modify sleeves 542 and 588 to a tapered form as allegedly disclosed in Pitzer to “better secure the axle to the control arm.” As noted hereinabove, however, modifying the suspension of Smith et al. to “better secure the axle to the control arm” would defeat the stated

purpose of element 588. Applicants therefore submit that there is no suggestion or motivation for combining the teachings of Smith et al. and Pitzer.

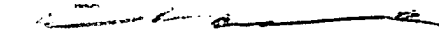
Because there is no suggestion or motivation to combine the teachings of Smith et al. and Pitzer, Applicants submit that the rejection of claims 1-5, 7-14 and 18-20 under 35 U.S.C. § 103(a) is improper. Accordingly, Applicants request that the rejection of claims 1-5, 7-14 and 18-20 under 35 U.S.C. § 103(a) be withdrawn.

Applicants further submit that the combination of Smith et al. and Pitzer fails to disclose or suggest limitations recited in at least some of the claims. For example, claims 13 and 19 each recites that “said second sleeve includes a pair of circumferentially spaced portions, each of said portions having an angular span of about one hundred and eighty degrees.” The “second sleeve” 588 identified by the Examiner in Smith et al. is in one piece and spans almost 360 degrees. Figure 48. The sleeves in Pitzer are also each one piece and span almost 360 degrees. Because the combination of Smith et al. and Pitzer fails to disclose all of the limitations set forth in at least claims 13 and 19, Applicants submit that the rejection of claims 13 and 19 under 35 U.S.C. § 103(a) is improper and request that the rejection be withdrawn.

IV. CONCLUSION

For the above cited reasons, all of the claims presently pending in this application are believed to be allowable. If the Examiner has any further questions or concerns, the Examiner is invited to contact the Applicant's undersigned attorney.

Respectfully submitted,



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